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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,348	04/19/2001	Randall W. Ojanen	K-1786	2490

7590 01/22/2004
Kennametal Inc.
P.O. Box 231
Latrobe, PA 15650

EXAMINER

SINGH, SUNIL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,348

Applicant(s)

OJANEN

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17, 20, 29, 32-40 and 43-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 20, 29, 32-40 and 43-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

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DETAILED ACTION

Upon further consideration the allowable claims indicated in office action mailed 5/28/03 have been hereby withdrawn. The following rejections now apply.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 15-17, 29-30, 34, 35, 38, 39-40, 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Sollami (US 6164728).

Sollami discloses a cutting tool assembly comprising a retainer sleeve (see Figs. 5,6), the retainer is cylindrical and has a thickness, the retainer sleeve includes at least one radially outward projecting dimple (54,55,56). The projection of the dimple(s) beyond the cylindrical surface of the retainer appears to be about 15-

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30 percent of the thickness dimension of the retainer (see attached marked up Fig. 6).

3. Claims 29-30, 38, 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Steinke (US 6561058).

Steinke discloses a retainer sleeve (10) having at least one outwardly protruding surface/dimple (17, see col. 3 line 53), the retainer has a cylindrical circumference and a thickness dimension, it appears that the amount of radial projection of said protruding surface beyond the cylindrical surface of the retainer is about 15-30 percent of the thickness dimension of said retainer (see attached marked up Fig. 5).

4. Claims 29-30, 38, 40, 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Rodondi et al. (US 5181867).

Rodondi et al. discloses a retainer sleeve (212) having at least one outwardly protruding surface/dimple (226), the retainer has a cylindrical circumference and a thickness dimension, it appears that the amount of radial projection of said protruding surface beyond the cylindrical surface of the retainer is about 15-30 percent of the thickness dimension of said retainer (see Fig. 10).

5. Claim 40 is rejected under 35 U.S.C. 102(b) as being anticipated by Schuermann (US 5861572).

Schuermann discloses a retainer sleeve (26) including at least one radially outwardly protruding portion (see Fig. 5), the amount of radially projection of said protruding surface beyond the cylindrical surface of the retainer is about 15-30

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percent (see col. 3 lines 61-62 and col. 4 line 46, meaning .010/.030) of the thickness dimension of the retainer

6. Claims 40 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudson (US 3405831).

Hudson discloses a retainer sleeve (4) including at least one radially outwardly protruding portion (6), the amount of radially projection of said protruding surface beyond the cylindrical surface of the retainer is about 15-30 percent (see col. 2 lines 43-48) of the thickness dimension of the retainer.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 32-33, 36-37, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sollami '728.

Sollami discloses the invention substantially as claimed. However, Sollami does not explicitly disclose the thickness of his dimples. It would have been obvious matter of design choice to modify Sollami by having his dimples within the range called for in the above mentioned claims, since applicant has not disclosed that having the specific ranges solves any stated problem and it appears that the

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sleeve would perform equally well with the dimples being .006, .021 or .05 or .11 inches thick.

9. Claims 36-37, 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodondi et al..

Rodondi et al discloses the invention substantially as claimed. However, Rodondi et al does not explicitly disclose the thickness of his dimples. It would have been obvious matter of design choice to modify Rodondi et al by having his dimples within the range called for in the above mentioned claims, since applicant has not disclosed that having the specific ranges solves any stated problem and it appears that the sleeve would perform equally well with the dimples being .006, .021 or .05 or .11 inches thick.

10. Claims 39,40 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kniff or Oaks et al. or Rettkowski or Sulosky et al. or Sollami (US 3512838, 3752515, 4247147, 5536073, 600153).

Kniff, Oaks et al., Rettkowski, Sulosky et al. or Sollami all disclose the invention substantially as claimed. However, they all do not explicitly disclose the thickness ratio between the outwardly protruding surface and the sleeve. It would have been obvious matter of design choice to modify Kniff or Oaks et al. or Rettkowski or Sulosky et al. or Sollami by having the thickness ratio between the outwardly protruding surface and the sleeve be 15-30%, since applicant has not disclosed that having the specific percentage solves any stated problem or is for any particular purpose and it appears that a thickness ratio of 14% or 31% would

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perform equally well. Furthermore, such a modification is obvious to one skilled in the art since this allows for less crimping of the sleeve when installing in the bore of the block.

11. Claims 15-17, 29-30, 32-40, 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engle et al. or Radd et al. or Kniff et al. or Emmerich or Dziak, Beach et al. or Beach or Montgomery, Jr. (US 3519309, 3801158, 3841708, 4484783, 4489986, 4850649, 5645323, 5730502)

Engle et al. , Radd et al., Kniff et al., Emmerich, Dziak, Beach et al., Beach, Montgomery, Jr all disclose the invention substantially as claimed. However, they all do not explicitly disclose the thickness ratio between the outwardly protruding surface and the sleeve. It would have been obvious matter of design choice to modify Engle et al. or Radd et al. or Kniff et al. or Emmerich or Dziak, Beach et al. or Beach or Montgomery, Jr by having the thickness ratio between the outwardly protruding surface and the sleeve be 15-30%, since applicant has not disclosed that having the specific percentage solves any stated problem or is for any particular purpose and it appears that a thickness ratio of 14% or 31% would perform equally well. Furthermore, such a modification is obvious to one skilled in the art since this allows for less crimping of the sleeve when installing in the bore of the block.

With regards to claims 33-33, 36-37, 44-45, it would have been obvious matter of design choice to modify Engle et al. or Radd et al. or Kniff et al. or Emmerich or Dziak, Beach et al. or Beach or Montgomery, Jr by having his

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dimples within the range called for in the above mentioned claims, since applicant has not disclosed that having the specific ranges solves any stated problem and it appears that the sleeve would perform equally well with the dimples being .006, .021 or .05 or .11 inches thick.

Response to Arguments

12. Applicant's arguments with respect to claims 29, 30, 36-38 and 40 with regards to Rodondi et al. have been considered but are moot in view of the new ground(s) of rejection. The examiner has applied Rodondi et al as a 102 since the term "about" is entitled to latitude in characterizing feature which was not critical to distinction over prior art. General Foods Corp. v. Perk Foods Co. (DC. NIII) 157 USPQ 14.

13. Applicant's arguments with respect to claims 29, 30, 36-38 and 40 with regards to Steinke have been considered but are moot in view of the new ground(s) of rejection. The examiner has applied Steinke as a 102 since the term "about" is entitled to latitude in characterizing feature which was not critical to distinction over prior art. General Foods Corp. v. Perk Foods Co. (DC. NIII) 157 USPQ 14. With regards to the term "retainer", according to Webster's Ninth New Collegiate Dictionary the term "retainer" is defined as "any of various devices used for holding something"; therefore Steinke anticipates above mentioned claims. Applicant argues that Steinke does not teach dimples. The examiner would like to point out to applicant that at col. 3 line 53, member (17) is explicitly called dimples.

Conclusion

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Sunil Singh


Patent Examiner
Art Unit 3673

SS
SS

1/14/03

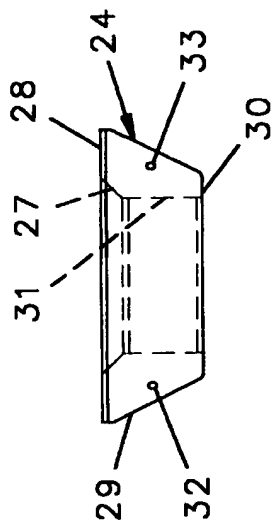


FIG. 3

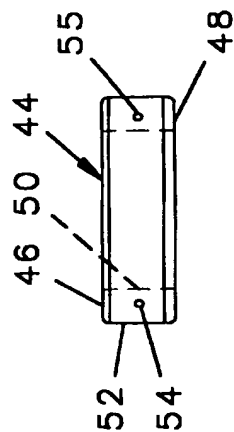


FIG. 5

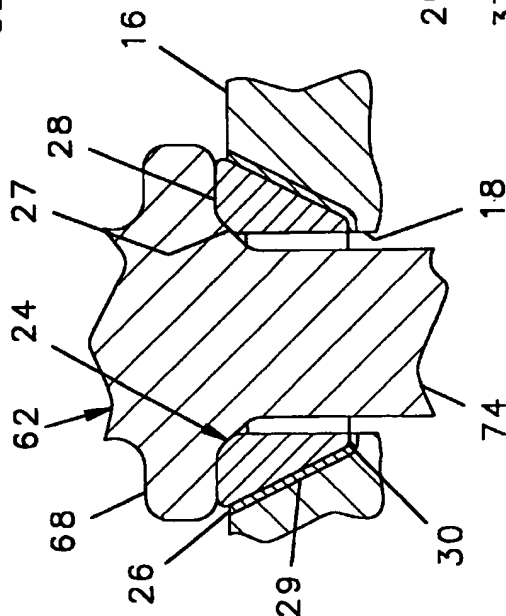


FIG. 2

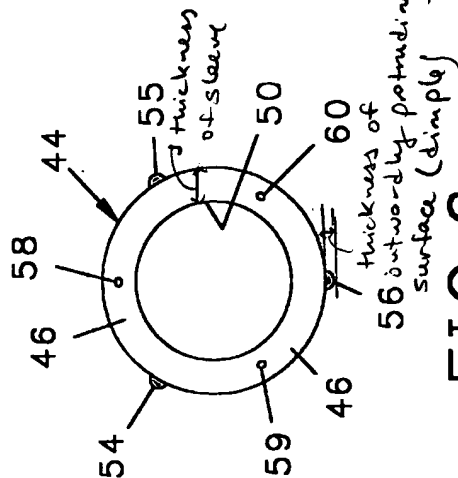


FIG. 6

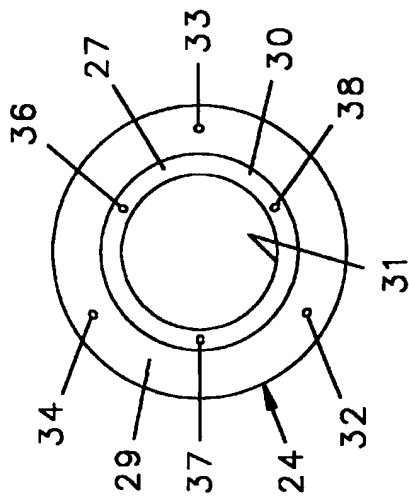


FIG. 4

